

Violence and Atonement in the Postindustrial Age: Minamata Patients, Hongan no Kai, and the Carving of Jizō Statues

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In his refusal of the Master's order, Bartleby does not negate the predicate; rather, he affirms a non-predicate: he does not say that he *doesn't want to do it*; he says that *he prefers (wants) not to do it*. This is how we pass from the politics of "resistance" or "protestation," which parasitizes upon what it negates, to a politics which opens up a new space outside the hegemonic position and its negation. Slavoj Žižek, *The Parallax View*¹

The small city of Minamata, located in the southern island of Kyushu in the Japanese archipelago, is known for an industrial disease named after that city. Minamata disease is caused by the ingestion of methyl mercury that was released for more than three decades, beginning in 1937, from a factory owned by the Chisso Corporation. Mercury flowed into the Shiranui Sea, where it accumulated in, and eventually damaged or destroyed, the natural environment, including fish and sea shells, as well as human bodies. If mercury enters the human body and accumulates to a sufficient degree, it affects the nervous system, paralyzing the tongue, fingers, and legs, until one eventually loses control over one's whole body, leading to death. Children are especially vulnerable to the effects of mercury. In the short period between 1955 and 1959, more than 200 prenatally exposed infants in Minamata, where contained 8,584 houses,² were born with the disease.³ Nonetheless, the relations between victims' symptoms and the chemicals released by the Chisso Corporation went unrecognized for decades, until 1968 when the Minister of Welfare finally admitted that the disease was caused by methyl mercury released from the Chisso factory.

This tragic situation poses a challenge and a task for ethicists grappling with irremediable experiences of violence, such as injuries of the sort caused by irresponsible chemical disposal. How might ethicists approach situations where victims are dying in extreme agony, their bodies out of control, or where babies have experienced prenatal exposure to poison? How to respond

when those suffering from the disease have no means to make a living beyond fishing in the contaminated waters? And what is the right course of action when those afflicted by the disease are themselves accused of destroying Minamata's commercial culture by attributing their disease to the practices of the Chisso factory, the city's economic foundation? The incurable Minamata disease, caused by exposure to methyl mercury used to produce the raw material for plastic, is a product of industrialization and modernization. Given these economic, environmental, and sociocultural complexities, what responses are available when traditional ethical, spiritual, and legal responses based on the notion of "justice" are themselves implicated in, and even complicit with, the very structures that have given rise to the suffering?

In this paper, I want to adumbrate an ethical response toward encountering and responding to violence done to others under modern industrial conditions. In doing so, I draw upon the work of Italian philosopher Giorgio Agamben, who tests the limits of ethical theories in pursuing a reformulation of ethics in the face of the unprecedented catastrophic events at Auschwitz. The horrors of Auschwitz are, on the one hand, unique and incommensurable with other historical tragedies. And yet, one may extrapolate from Agamben's ethical thinking of Auschwitz in developing an approach to the Minamata disaster.⁴

Extending Agamben's inquiry into the possibilities of ethical responses to irrevocable harm, I focus on Minamata patient Ogata Masato's thought and practice, for they embody the approach theorized by Agamben, enacting an ethic that, as we will see, is not "*beyond* good and evil but rather....*before*" good and evil.⁵ I will suggest that Ogata's practice of carving bodhisattva Jizo statues and placing them on Minamata's reclaimed land manifests a new ethical element, as Agamben puts it, and thereby assists us in formulating an ethical response to violence.

Agamben on Ethics and Law

In his book *Remnants of Auschwitz*, Agamben urges readers not to conflate the categories of ethics and law. His warning against dependency on law as a moral authority derives from concern for the irrevocable harm done to victims at Auschwitz. Agamben cites Italian jurist Sebastiano Satta, who claims that “judgment is itself punishment” and “the only truly innocent person ‘is not the one who is acquitted, but rather the one who goes through life without judgment.’”⁶ According to Agamben, the *quaestio facti*, or question or matter of fact, needs to be separated from, and must not be reduced to, the *quaestio juris*, the question or matter of the law. He therefore clarifies what he takes to be the proper domain of the law: “law,” he writes, “is not directed toward the establishment of justice. Nor is it directed toward the verification of truth. Law is solely directed toward judgment, independent of truth and justice.”⁷ “The ultimate aim of law,” according to Agamben, is “the production of a *res judicata*, in which the sentence becomes the substitute for the true and the just, being held as true despite its falsity and injustice.”⁸

Agamben’s separation of law from justice is provocative. But if damage done by violence is truly irrevocable and irremediable, such as is the case with damage to a human’s mind or body, then restorative justice is impossible. In this way, corporeal and emotional damages are fundamentally different from, say, damage done to a fence by a reckless driver. Under the law, you might acquire a new, sturdier fence. But when the damage is irrevocable and the damaged thing irreplaceable, so-called justice only amounts to the best possible, but always inadequate, response—incarceration of the perpetrator, monetary compensation, and the like. It is precisely for this reason that Agamben seeks to maintain a separation of justice from the law. “[T]he ultimate end of the juridical regulation,” claims Agamben, “is to produce judgment; but

judgment aims neither to punish nor to extol, neither to establish justice nor to prove the truth. Judgment is in itself the end.”⁹

It is worth noting, however, that, having divorced law from justice, Agamben is not claiming that the law is irrelevant to the imputation of guilt and assumption of responsibility. In fact, he believes that we should treat guilt and responsibility not on the terrain of ethics, but that of law: “To assume guilt and responsibility—which can, at times, be necessary—is to leave the territory of ethics and enter that of law,” he writes.¹⁰ Agamben illustrates his point by reference to the case of Adolf Eichmann at the Jerusalem trial, where Eichmann admitted his guilt before God, yet sought to refuse legal prosecution. “It must be recalled,” writes Agamben, “that the assumption of moral responsibility has value only if one is ready to assume the relevant legal consequences.”¹¹

So what is the relation, for Agamben, between moral responsibility and ethics? Ethics, by his account, is about neither guilt nor responsibility, which are the purview of the law. Agamben thus departs from traditional understandings of ethics as the “doctrine of the happy life,” which includes systems for implementing restorative and distributive justice.¹² But in the case of Auschwitz and other instances of irrevocable damage, where such justice is impossible, ethical thought reaches its limit, and thus compels the admission of our incapacity to assert restorative justice or assume responsibility.¹³ Ethics only articulates “zones of **non-responsibility**,”¹⁴ by confronting us with the enormity of responsibility that exceeds our ability to assume it. “At the most,” writes Agamben, “we can be faithful to it, that is, assert its unassumability.”¹⁵

Instead of seeking an alternative in the realm of ethics, that is, a zone of **non-responsibility**, Agamben turns to Primo Levi’s writings in an attempt to find a “new ethical element” that might contribute to ethics after Auschwitz. **This new ethical element is situated in**

what Levi calls the “gray zone”—not a zone of non-responsibility, but a “zone of irresponsibility”¹⁶ in which the boundaries between victims and victimizers collapses, and the distinctions between good and evil are rendered meaningless, with judgment thereby being impossible (“*impotentia judicandi*”).¹⁷ Following Levi’s line of thought, our modern industrial society normalizes the violence we inflict upon ourselves and the environment by systemizing or institutionalizing this harm. Industrial diseases thereby bring into question any clear boundaries between victims and victimizers, the innocent and the guilty; Chisso factory workers are often victims of Minamata disease, for example, while consumers purchase plastic commodities, contributing to the perpetuation of the industrial disease. That *all* of us who participate in modern, industrialized ways of life are complicit in this violence, we come to recognize the impasse of ethics that concerns Agamben.

Ogata Masato: Responsibility and Atonement

Agamben’s theoretical framework may be applied to the Minamata case, through an examination of Ogata Masato’s philosophy, religiosity, and practices. Ogata’s example will be illuminating, for not only was he skeptical and critical of the formal legal processes and their consequences; he also came to see himself as implicated in the system that still sustains the Chisso corporation.

Ogata Masato was born in a small fishing village called Meshima, Ashikita-cho, located north of Minamata city in 1953.¹⁸ Having lost his fisherman father to the Minamata disease, and himself suffering from the disease, he joined a patients’ group taking an action against the Chisso Corporation. Though he initially devoted himself fully to the movement, Ogata withdrew rather abruptly. Several factors precipitated his break from the group. For example, as the movement and its supporters grew, and legal procedures were undertaken, the movement “shift[ed] from the

streets to the court.”¹⁹ The result, by Ogata’s reckoning, was that the individual patient’s suffering was depersonalized, since law and legal procedures aim at a form of justice founded on objectivity, impartiality, and therefore impersonal relations.

Frustrated that he was never able to “meet” the actual people making decisions at Chisso, rather than merely confronting representatives of the abstract corporate entity in court, Ogata began to question the merit of the judiciary. Its focus seemed to him to be placed on monetary compensation, rather than establishing and fostering human relations. As Ogata writes:

I began to have doubts. If I wasn’t in the movement for money, was I in it to avenge my father’s death? What would happen after I had realized that revenge? Was it just an illusion to entertain the thought that I was putting the interest of others above my own? How could I pretend to be altruistic when I was making my own family suffer? Did the end justify the means?²⁰

Adding to Ogata’s inner struggle was the fact that the patient’s movement itself became more and more bureaucratic and faceless, further resembling the modern and industrial entities he was fighting.

Unable to bear the weight of these issues and what he took to be the deterioration of the movement, Ogata decided to remove himself from it, thereby forfeiting his compensation money from Chisso. He describes his resignation and his discomfort with the court: “It seemed that no one wanted to address the more important issues. But the problem was that not even I could clearly identify those issues.”²¹ He would, however, come to identify two main problems. The first is the question of responsibility. With regard to Minamata disease, the Chisso Corporation is certainly culpable, having released methyl mercury for a period of nearly three decades, while the prefectural and central governments, aware of Chisso’s actions, protected the corporation in the interest of Minamata’s economic prosperity. Ogata suspected that the so-called responsibility assigned to Chisso and the government entities under the law failed to address the deeper issues

of individual human responsibility, environmental degradation, and the spiritual disposition of all those involved—victims and victimizers. In other words, the Minamata disease, Ogata believed, raises spiritual issues—what he calls *tamashii*—that cannot be addressed in court.²² Ogata eventually reaches a conclusion resonant with Agamben's, claiming that “the idea of assuming responsibility is an illusion. Our legal proceedings are premised on this illusion.”²³

Second, Ogata imagined what he would have done were he to have been in the position of a worker or executive at Chisso when the factory was economically thriving. Becoming a whistleblower would have meant being fired, and therefore deprived of job prospects in Minamata, where the economy was heavily dependent upon the company.²⁴ Further, he would have been shunned, and most likely his family would have been socially ostracized.²⁵ Imagining such circumstances, Ogata failed to find in himself the moral courage to face the social repercussions of whistleblowing.²⁶ It was at this point that he recognized that he himself was one of *them*: “I was also a Chisso,” he says.

For the past forty years [Ogata writes,] I owned a car to drive, a TV set, refrigerator, and a plastic-based fishing boat. In other words, I am surrounded by so many things made at chemical factories like Chisso. For example, most of the vinyl chloride used for the faucets at home was made at Chisso, or more recent example of Chisso product is liquid crystal, used for the computer and TV screens. We live surrounded by Chisso products. If we talk only about the Minamata incident, the Chisso Corporation is responsible for it, but in this present time, we all have already become “another Chisso.”²⁷

Under the conditions of modern industrialized society—whether one is aware of them or not, and whether directly or indirectly—even a victim of Chisso also supports and is complicit with Chisso, the very entity that destroyed the victim's health, the lives of loved ones, and the community at large. “From the perspective of the [victims'] movement,” Ogata remarks, “Chisso

is the Other, the enemy, the assailant. For me, however, this viewpoint evolved until I recognized ‘The Chisso within.’”²⁸

Recognizing that he was a victim harboring the victimizer within, Ogata finds himself in a zone where the ethical resources for sorting out one’s moral culpability are quickly exhausted. Ogata writes, “The idea of assuming responsibility is an illusion. Our legal proceedings are premised on this illusion. We make the assumption that if we pay reparations, we have assumed responsibility.”²⁹

It is from this insight that Ogata’s spiritual practice emerges. Forming the *Hongan no kai*—a coalition of the “Original Vow”—in 1994, Ogata and other members, though avoiding strict conformity to dogmatic religious teachings and traditional structures, developed a practice of carving bodhisattva Jizō figures. Ogata and his friends began to shape statues called *nobotoke*, placing them on the reclaimed land of Minamata Bay, where clean-up efforts had consolidated and buried toxic mercury beneath the soil. For Ogata, this land “is a place of atonement [*wabi o ireru basho*]. It is a place to contemplate my own guilt and to offer my own apology.”³⁰

Ogata’s words and actions—carving and placing bodhisattva statues on the site of his guilt as a sign of apology—are inexplicable within traditional frameworks of good and evil, victims and victimizers. But far from a simple withdrawal from the real world, Ogata’s practice involves a principled refusal to participate in the legal and economic systems that are themselves constitutive of the problem. Even as *Hongan no kai* distinguishes itself from religious organizations, its adaptation of the Jizo image—standing on this land where one seeks self-reflection, atonement, and reconciliation, and where the living encounter the dead—draws upon spiritual resources in Pure Land Buddhism and local animistic beliefs. Jizo is a popular bodhisattva in folkloric narratives among Japanese people. Taking over the role of *Dōsoshin*, or

Sai no kami, a deity who guides passage through liminal spaces between villages, Jizo is widely known as a mediator between two realms—the dead and the living, adult and child, this world and the world beyond. In the folkloric imagination, Jizo undermines the clear distinctions upholding social, legal, and ethical structures.

Hongan no Kai's practice of situating Jizo statues on the reclaimed land of the Minamata Bay similarly eschews traditional ethical frameworks and religious dogmas underwriting social and juridical systems that dichotomize victims and victimizers. The term *Hongan* is usually associated with Amida Buddha's "Original Vow" to save the unenlightened. Although the group adapts language, imagery, and rituals from Pure Land Buddhism, it also avoids the kind of systematic frameworks offered or imposed by established religions. Ogata explains that the group does not aspire to be a religious organization; rather, "we would like to deepen the idea of '*inochi no negai*' or 'vow for life.'"³¹ Thus the inclusion of the term *Hongan* in the organization's name does not represent allegiance to a particular Buddhist institution, but rather a dedication to protect all of life.

Hagihara Shūko, a scholar of religion who examines ethical responses from Minamata patients, explains that the *Hongan no kai* group "does not have a consensus on the definitions of such common terms as 'soul,' 'life,' or 'prayer,' but on the contrary, each member continues to ask him- or herself incessantly what these words mean."³² The conscious refusal to fix definitions is one facet of Ogata's investigation into alternatives to the system that governs and regulates our lives by concealing our subjectivity, and thereby depersonalizing human relations. What Ogata aims at instead is the restoration of humanity—the *personal* agent resisting a system that de-personalizes individuals and their relations to each other. The restored, personal humanity, however, is not keyed to atomistic individualism, but rather oriented toward realization of radical

interdependence that extends to *others*, including Chisso workers, fish in the Shiranui Sea, and even the deceased. The recognition of radical interdependency coincides with Buddhist ontology, and its recognition of the independent self as an illusion. Yet the members of *Hongan no kai*, by distancing themselves from existing religious institutions and their dogmas, reveal what religious and legal institutions do not. For whereas responsibility presupposes the illusion of an independent, autonomous, and discrete individual within a framework of good and evil, the practice of the *Hongan no kai* arises with a recognition of radical interdependence *before* all good and evil. This is the “grey” zone of “irresponsibility.”

What is left to us, then, as Ogata and *Hongan no kai* show, is this sensibility of *wabi*. Translated as “atonement” in the English edition of his autobiography, *wabi* is a multifaceted term connoting apology, repentance, and penitence. When Ogata uses the term *wabi*, it not only refers to *wabi* for the Minamata disease, but for the destruction of the natural resources of Minamata by industrialized civilization, which Ogata calls “man’s ‘original sin [*genzai*].’”³³ “If Minamata Bay and its [reclaimed land] symbolize the depth of human sin,” continues Ogata, “then this ought also to be a place where humans can acknowledge their sin, atone for it, and pray.”³⁴ Thus, *wabi* conveys the recognition of the need for self-reflection and reconciliation.

The reconciliation within *wabi*, or atonement, is not, however, of the sort that traditional ethics can prescribe or conventional legal procedures advocate. Rather, it is *beyond* such worldly systems; it involves a recognition and realization of the “at-one-ness” of life, and the spiritual dispositions that correspond to that realization. Although Ogata acknowledges that carving and placing the bodhisattva statues in Minamata is a “highly personal act,” “at-one-ness” is embodied in these stone statues, because they “will also serve as intermediaries through whom we may communicate with the souls of the deceased. A reunification of the living and dead is our

greatest wish, our most fervent prayer.”³⁵ This sensibility of “at-one-ness” is therefore not an appeal to individual responsibility, but a realization of irresponsibility expressed as a supplication beyond and before ethics and law.

Conclusion

As we have seen, for Agamben, justice is not fully realized in the law. Instead, he clarifies the limits of law in the face of irrevocable violence, arguing that “once law has produced its *res judicata*, it cannot go any further.”³⁶ Without denying the necessity for judgments based in law, he calls for a practice beyond jurisdiction, and thus implores readers to move *beyond* but also *before* law and ethics. Like Primo Levi, who bears witness to the plight of the Auschwitz victims, Minamata patient Ogata Masato experiences the limit of law and ethics, bearing witness to the victims of the Minamata disease. His thoughts and actions likewise call for us to reevaluate legal and ethical systems founded upon the illusion of the assumption of responsibility. Without abandoning a functioning legal system, we must soberly admit our inability to assume the infinite responsibility that comes with irreparable damage. The emergence of a new ethical element in our time will begin with the realization of an atonement, an at-one-ness beyond all responsibility.

¹ Slavoj Žižek, *The Parallax View* (Cambridge; MA: The MIT Press, 2006), 382-383.

² The Social Scientific Study Group on Minamata Disease, “In the Hope of Avoiding Repetition of the Tragedy of Minamata Disease: What We Have Learned from the Experience, Report of the Social Scientific Study Group on Minamata Disease” (Kumamoto: National Institute for Minamata Disease, 2001), 11. Hereafter “Report on Minamata Disease”

³ Harada Masazumi and Tajiri Masami, “An epidemiological and clinical study of infantile and congenital Minamata disease: A consideration of the effect of methyl mercury on fetal and infantile development” in *Department of Social Welfare Studies*, vol. 14, no. 1, 2009., 6.

⁴ Due to the earthquake and subsequent Tsunami on March 11, 2011 in the northern part of Japan, four nuclear reactors on operation lost the electric power to cool down the nuclear vessels, which caused meltdown for three out of four reactors. As a result, massive amount of radiation was released into the air, and the its health effects are still under investigation.

⁵ *Remnants of Auschwitz*, 21.

⁶ *Ibid.*, 19, citing Sebastiano Satta, *Il mistero del processo* (Milan: Adelphi, 1994).

⁷ *Ibid.*, 18.

⁸ *Ibid.*, 18.

⁹ *Ibid.*, 19.

¹⁰ *Ibid.*, 24.

¹¹ *Ibid.*, 23.

¹² Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. by Daniel Heller-Roazen (New York: Zone Books, 2002), 24.

¹³ *Ibid.*, 21.

¹⁴ *Ibid.*, 21.

¹⁵ *Ibid.*, 21.

¹⁶ *Ibid.*, 21.

¹⁷ Primo Levi, *The Drowned and the Saved*, trans. by Raymond Rosenthal (New York: Random House, 1989), 60.

¹⁸ *Ibid.*, 13.

¹⁹ *Rowing the Eternal Sea*, 88.

²⁰ *Rowing the Eternal Sea*, 92.

²¹ *Ibid.*, 92.

²² Ogata Masato, *Chisso wa watashi de atta* (I am a Chisso) (Fukuoka: Ashi shobo, 2001), 42-43. Translation mine.

²³ *Ibid.*, 145.

²⁴ According to “Report on Minamata Disease,” citing *Minamata Koji Shinbun* (Chisso Minamata Plant News), “the sum of the municipal property tax of the Minamata plant and the municipal tax of its employees exceeded 50% of the income of municipal rates in around 1955, and that Chisso must be the first consideration for Minamata and Chisso is just a money-maker for Minamata City.” “Report on Minamata Disease,” 11-12.

²⁵ “In 1960, employees of CHisso and the subcontract companies accounted for 4,757 (ca. 24%) of the industrial population 15 years of age or over (19,819). “Report on Minamata Disease,” 11.

²⁶ *Ibid.*, 44.

²⁷ *Ibid.*, 49.

²⁸ *Rowing the Eternal Sea*, 146.

²⁹ *Ibid.*, 145.

³⁰ *Ibid.*, 121.

³¹ Ogata Masato, in *Tamashii utsure* (transforming the soul), vol. 36, 2009, 7.

³² Hagihara Shūko, “Umiosareru kotoba, tewatasareteiku kotoba: Minamatabyō jiken to ‘Hongan no kai’” (Words brought forth, words handed down: the Minamata disease incident and “Hongan no kai”) in *Shūkyō kenkyū*, no. 373, 2011, 209. (203-230).

³³ *Rowing the Eternal Sea*, 122.

³⁴ *Ibid.*, 122.

³⁵ *Ibid.*, 122.

³⁶ *Remnants of Auschwitz*, 18.